

PATENT**Application # 10/667,060****Attorney Docket # 2002P15893US01 (1009-175)****REMARKS**

The Examiner is respectfully thanked for the consideration provided to this application. Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Each of claims 1-4, 6, 14, 15, and 22 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 1-32 are now pending in this application. Each of claims 1, 14, 22, and 32 are in independent form.

I. The Indefiniteness Rejections

Each of claims 2-4 and 15 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. These rejections are respectfully traversed. Each of claims 2-4 and 15 has been amended to remove the term of concern, thereby negating the grounds of rejection. Accordingly, a withdrawal of each of the rejections of claims 2-4 and 15 is respectfully requested.

II. The Anticipation Rejections

Each of claims 1-32 was rejected under 35 U.S.C. § 102(e). In support of the rejection, various portions of Hipp (U.S. Patent Publication No. 2005/0020924 A1) were applied. These rejections are respectfully traversed.

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1. Legal Standards

A. Claim Construction

On 12 July 2005, the Federal Circuit, in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*), *cert. denied*, 2006 U.S. LEXIS 1154 (U.S. Feb. 21, 2006) clarified that:

1. “[t]he Patent and Trademark Office (‘PTO’) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction ‘**in light of the specification as it would be interpreted by one of ordinary skill in the art**’” (*Id.* at 1316);
2. the words of a claim “are generally given their ordinary and customary meaning” (*Id.* at 1312);
3. the ordinary and customary meaning of a claim term is “the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application” (*Id.* at 1313);
4. “the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but **in the context of the entire patent, including the specification**” (*Id.*);
5. even “the context in which a term is used in the asserted claim can be highly instructive” (*Id.* at 1314);
6. “the specification may reveal a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess. In such cases, **the inventor’s lexicography governs**” (*Id.* at 1316);
7. even “when guidance is not provided in explicit definitional format, **the specification may define claim terms by implication** such that the meaning may be found in or ascertained by a reading of the patent documents” (*Id.* at 1321);
8. an “invention is construed not only in the light of the claims, but also with reference to the file wrapper or prosecution history in the Patent Office” (*Id.* at 1317 (*citing Graham v. John Deere Co.*, 383 U.S. 1, 33 (1966))); and
9. the “prosecution history... consists of the complete record of the proceedings before

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the PTO and **includes the prior art cited** during the examination of the patent” (*Id.* at 1317).

Included herewith is a Declaration under 37 C.F.R. § 1.132 of Dr. Ronald D. Williams, one skilled in the art of electrical engineering as of 26 September 2002, the priority date of the present application. Paragraphs 14-24 of Dr. Williams’ Declaration provide definitions for the claim phrases “programmable logic controller”, “real time”, and “deterministic”.

Thus, the phrases “programmable logic controller”, “real time”, and “deterministic” should be construed as one of ordinary skill in the relevant art would interpret them. For the purpose of interpreting a claim of any patent that claims priority hereto, each definition (or redefined term if an original definition was amended during the prosecution of that patent), functions as a clear and unambiguous disavowal of the subject matter outside of that definition.

B. *Prima Facie* Criteria

To establish a *prima facie* case of express anticipation, the “invention must have been known to the art in the detail of the claim; that is, all of the elements and limitations of the claim must be shown in a single prior art reference, arranged as in the claim”. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *see also* MPEP 2131. The single reference must describe the claimed subject matter “with sufficient clarity and detail to establish that the subject matter existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention”. *Crown Operations Int’l, LTD v. Solutia Inc.*, 289 F.3d 1367, 1375, 62 USPQ2d 1917, 1921 (Fed. Cir. 2002). Moreover, the prior art reference must be sufficient to enable one with ordinary skill in the art to practice the claimed invention. *In re Borst*, 345 F.2d 851, 855, 145 USPQ 554, 557 (CCPA 1965), *cert. denied*, 382 U.S. 973 (1966); *Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1354, 65 USPQ2d 1385, 1416 (Fed. Cir. 2003) (“A claimed invention cannot be anticipated by a prior art reference if the allegedly anticipatory disclosures cited as prior art are not enabled.”)

The USPTO “has the initial duty of supplying the factual basis for its rejection.” *In re Warner*, 379 F.2d 1011, 154 USPQ 173, 178 (CCPA 1967).

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Hipp fails to establish a *prima facie* case of anticipation regarding any claim of the present Application.

A. Claim 1-31

Each of claims 1-31 recites, *inter alia*, yet the applied portions of Hipp fail to teach, a “soft programmable logic controller”.

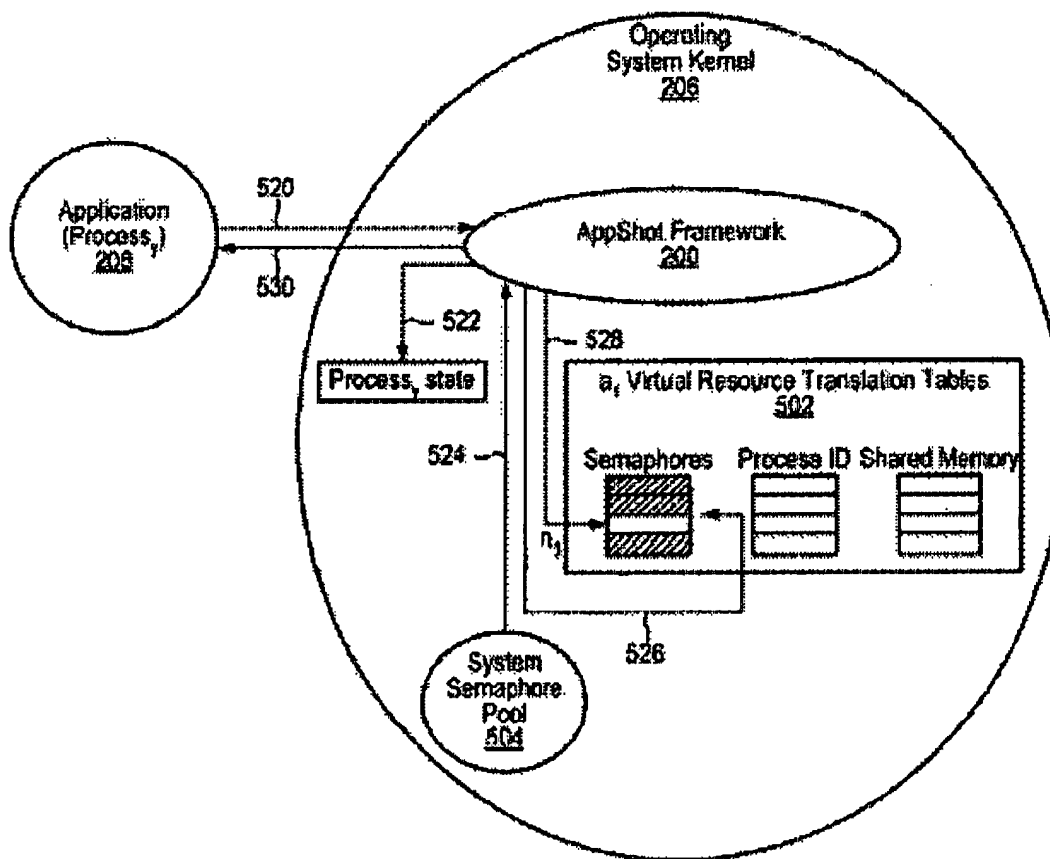
As evidenced in paragraphs 25-28 of Dr. Williams’ Declaration, Hipp does do not teach a “programmable logic controller. Consequently, Hipp does not teach every limitation of independent claim 1, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested. Also a withdrawal of each rejection of claims 2-13, each ultimately dependent upon independent claim 1, is respectfully requested.

B. Claim 2

Claim 2 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “wherein the first operating environment is a non-real time operating environment and the second operating environment is a real time operating environment”. The present Office Action erroneously purports to find this claimed subject matter at “Fig. 11; p.2, ¶ 0027; p. 6, ¶ 0052.” *See* Page 3.

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Yet Fig. 11 allegedly illustrates:



Allocation of a virtual resource (i.e. semaphore)

Fig. 11

Applicant respectfully submits that claim 11 illustrates no reference to “a real time operating environment”. Neither Paragraph 0027 nor Paragraph 0052 of Hipp recites the phrase real time or any equivalent concept. Applicant respectfully asks, how can Hipp teach “wherein the first operating environment is a non-real time operating environment and the second operating environment is a **real time** operating environment” without reciting or illustrating “real

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time” or any equivalent concept? Applicant respectfully submits that this claimed subject matter is not taught by Hipp. Dr. Williams’ Declaration provides evidence, in paragraphs 29-32, that Hipp does not teach a “**real time** operating environment”.

Thus, Hipp does do not teach every limitation of claim 2, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 2 is respectfully requested.

C. Claim 3

Claim 3 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “wherein the second operating environment is a non-real time operating environment and the first operating environment is a **real time** operating environment”. The present Office Action erroneously purports to find this claimed subject matter at “Fig. 11; p.2, ¶ 0027; p. 6, ¶ 0052.” *See* Page 3.

Yet Fig. 11, as provided *supra*, fails to teach this claimed subject matter. Further, as stated *supra*, neither Paragraph 0027 nor Paragraph 0052 of Hipp recites the phrase real time or any equivalent concept. Applicant respectfully asks again, how can Hipp teach “wherein the first operating environment is a non-real time operating environment and the second operating environment is a **real time** operating environment” without reciting “real time” or any equivalent concept? Applicant respectfully submits that this claimed subject matter is not taught by Hipp. Dr. Williams’ Declaration provides evidence, in paragraphs 29-32, that Hipp does not teach a “**real time** operating environment”.

Thus, Hipp does do not teach every limitation of claim 3, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 3 is respectfully requested.

D. Claim 4

Claim 4 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “wherein the first operating environment is a non-deterministic operating environment wherein scan cycles are variable, and the second operating environment is a **deterministic** operating environment

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wherein scan cycles are non-variable". The present Office Action erroneously purports to find this claimed subject matter at "Fig. 11." *See* Page 4.

Yet Fig. 11, as provided *supra*, fails to teach this claimed subject matter. Applicant respectfully asks for an explanation of how Hipp can teach "a **deterministic** operating environment wherein scan cycles are non-variable" without reciting or illustrating the phrase "deterministic" or any equivalent concept? Applicant respectfully submits that this claimed subject matter is not taught by Hipp. Dr. Williams' Declaration provides evidence, in paragraphs 43-46, that Hipp does not teach a "**deterministic** operating environment".

Thus, Hipp does not teach every limitation of claim 4, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 4 is respectfully requested.

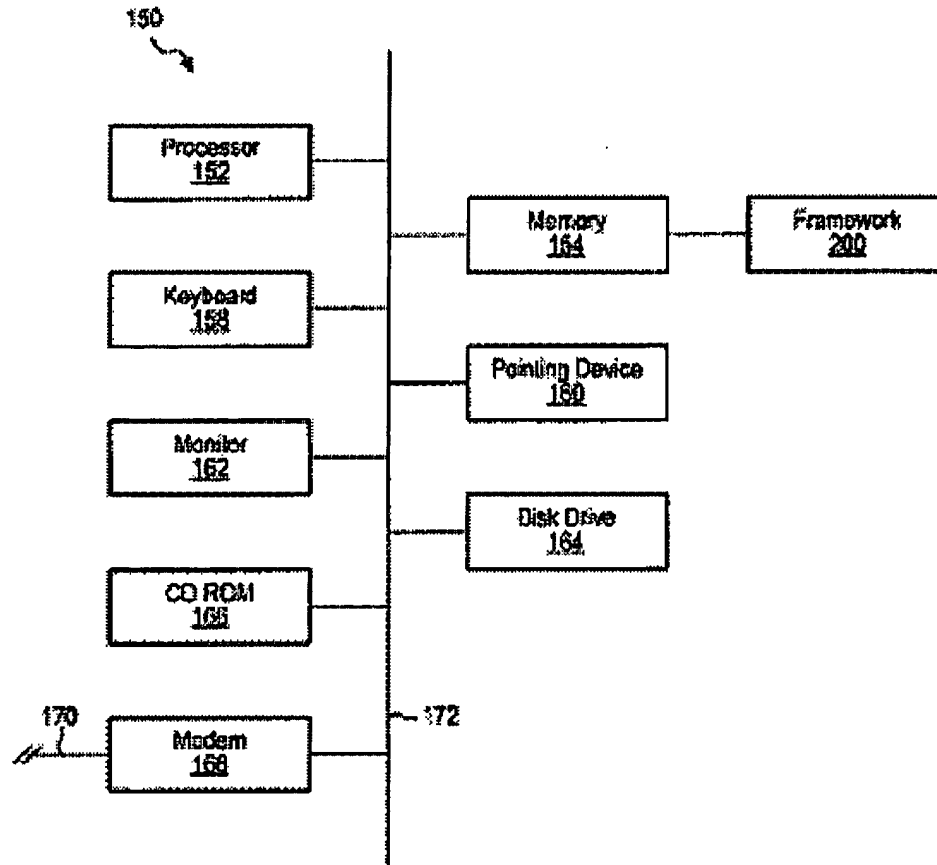
E. Claim 5

Claim 5 recites, *inter alia*, yet the applied portions of Hipp fail to teach, "wherein the installing step includes installing a **real-time** device driver". The present Office Action erroneously purports to find this claimed subject matter at "Fig. 2; 220, Fig. 4; p. 5, ¶ 0049." *See* Page 4.

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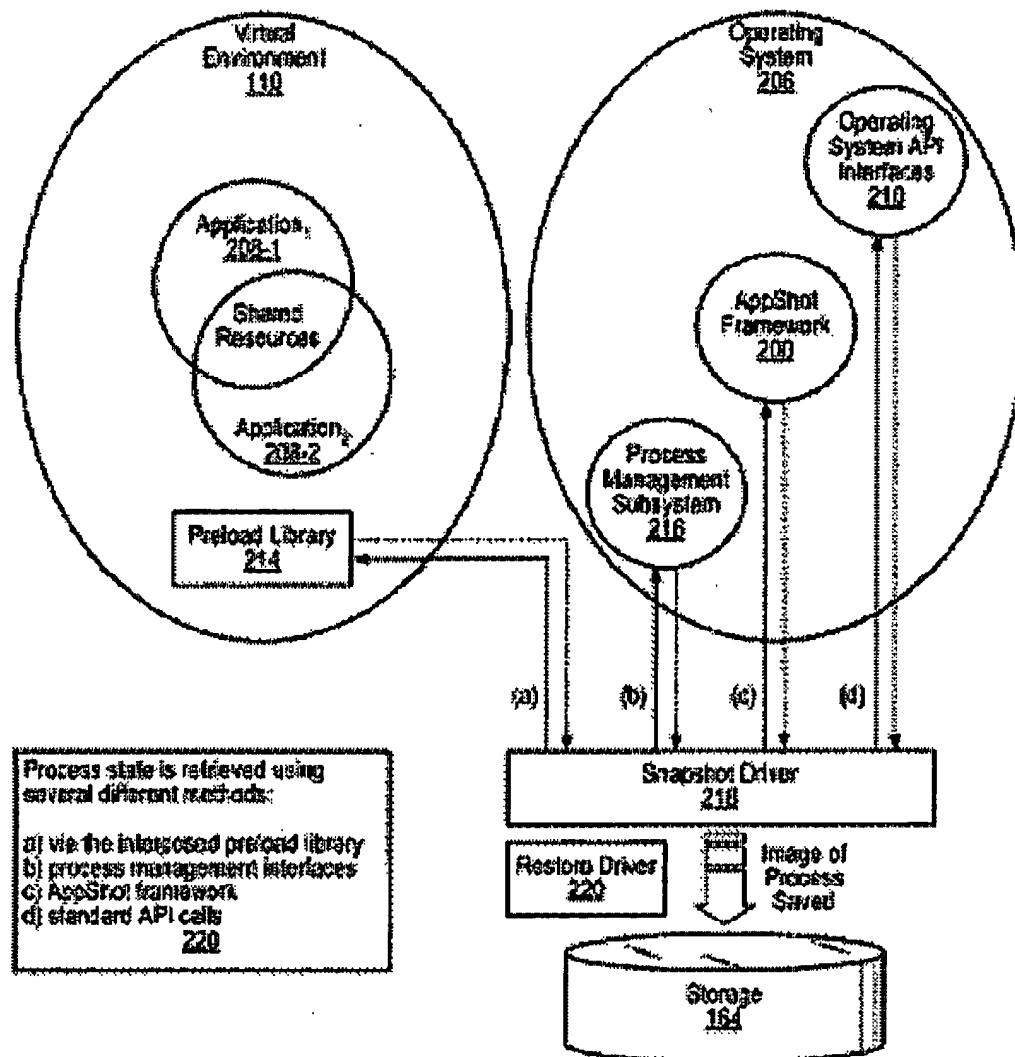
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Yet Fig. 2, allegedly illustrates:

**Fig. 2**

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And Fig. 4 of Hipp allegedly illustrates:



Capture of an application's run-time state.

Fig. 4

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Applicant respectfully submits that neither Fig. 2 nor Fig. 4 of Hipp illustrate a “real-time device driver” or any equivalent concept. Further, Paragraph 0049 of Hipp fails to recite the phrase real-time or any equivalent concept. Applicant respectfully asks again, how can Hipp teach “wherein the installing step includes installing a **real-time device driver**” without mentioning “real-time” or any equivalent concept? Applicant respectfully submits that this claimed subject matter is not taught by Hipp. Dr. Williams’ Declaration provides evidence, in paragraphs 37-42, that Hipp does not teach a “real-time device driver”.

Thus, Hipp does do not teach every limitation of claim 5, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 5 is respectfully requested.

F. Claim 6

Claim 6 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “wherein the installing step **overrides an installation of a device driver** associated with the first operating environment”. The present Office Action erroneously purports to find this claimed subject matter at “504, Fig. 11.” *See* Page 4.

Yet Fig. 11, as provided *supra*, fails to teach this claimed subject matter. Instead, element 504 of Fig. 11 in Hipp is allegedly labeled as a “System Semaphore Pool”. The specification of Hipp is completely silent regarding this allegedly illustrated “System Semaphore Pool”. Applicant respectfully asks for an explanation regarding how an element merely labeled as a “System Semaphore Pool” teaches “wherein the installing step **overrides an installation of a device driver** associated with the first operating environment”. Applicant respectfully submits that this claimed subject matter is not taught by Hipp.

Thus, Hipp does do not teach every limitation of claim 6, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 6 is respectfully requested.

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Claim 8 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “deleting the installation file”. The present Office Action erroneously purports to find this claimed subject matter at “p. 5, ¶ 0043.” *See* Page 4.

Yet, Hipp fails to recite the claimed subject matter of “deleting the installation file” or any equivalent concept at ¶ 0043. Applicant respectfully asks for an explanation regarding how and where Hipp teaches “deleting the installation file”. Applicant respectfully submits that this claimed subject matter is not taught by Hipp.

Thus, Hipp does do not teach every limitation of claim 8, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 8 is respectfully requested.

H. Claims 9

Claim 9 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “**uninstalling the resource from a device driver** associated with the first operating environment”. The present Office Action erroneously purports to find this claimed subject matter at “596, Fig. 15.” *See* Page 4.

Yet Fig. 15, as provided *supra*, fails to teach this claimed subject matter. Instead, element 596 of Fig. 15 in Hipp allegedly recites “Substitute v_3 for s_3 ”. Regarding element 596, Hipp allegedly recites the “returned virtual RID is then substituted for the **virtual ID** at step 596”. *See* p. 5, ¶ 0058. Applicant respectfully asks for an explanation regarding how an element that substitutes a “returned virtual RID” for the “virtual ID” teaches “**uninstalling the resource from a device driver** associated with the first operating environment”. Applicant respectfully submits that this claimed subject matter is not taught by Hipp.

Thus, Hipp does do not teach every limitation of claim 9, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 9 is respectfully requested.

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Claim 10 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “enabling **interrupt sharing** for the reassigned resource so that an interrupt may be used for more than one resource.” The present Office Action erroneously purports to find this claimed subject matter at “p. 4, ¶ 0035; p. 5, ¶ 0044.” *See* Page 4.

Yet neither of the applied portions of Hipp recites “interrupt sharing” or any equivalent concept. Applicant respectfully asks for an explanation regarding how the applied portions of Hipp can teach “enabling **interrupt sharing** for the reassigned resource so that an interrupt may be used for more than one resource” when “interrupt sharing” is not even recited in those applied portions. Applicant respectfully submits that this claimed subject matter is not taught by Hipp.

Thus, Hipp does do not teach every limitation of claim 10, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 10 is respectfully requested.

J. Claim 12

Claim 12 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “modifying installation parameters to specify an installation file for a **real-time driver**.” The present Office Action erroneously purports to find this claimed subject matter at “p. 5, ¶ 0054.” *See* Page 5.

Yet the applied portion of Hipp fails to recite a “driver”, “real-time”, or any concept equivalent to either. Applicant respectfully asks for an explanation regarding how the applied portions of Hipp can teach a “driver” when a “driver” is not even recited in the applied portion of Hipp. Applicant respectfully asks for an explanation regarding how the applied portions of Hipp can teach a “real-time driver” when neither a “driver” nor “real-time” is even recited in the applied portion of Hipp. Applicant respectfully submits that this claimed subject matter is not taught by Hipp. Dr. Williams’ Declaration provides evidence, in paragraphs 37-42, that Hipp does not teach a “real-time driver”.

Thus, Hipp does do not teach every limitation of claim 12, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 12 is respectfully requested.

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Claim 13 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “**updating a registry** associated with the second operating environment to reflect a reassignment of the resource.” The present Office Action erroneously purports to find this claimed subject matter at “p. 6, ¶ 0056.” *See* Page 5.

Yet the applied portion of Hipp fails to recite a “registry” or any equivalent concept thereto. Applicant respectfully asks for an explanation regarding how the applied portions of Hipp can teach “**updating a registry**” when a “registry” is not even recited in the applied portion of Hipp. Applicant respectfully submits that this claimed subject matter is not taught by Hipp.

Thus, Hipp does do not teach every limitation of claim 13, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 13 is respectfully requested.

L. Claims 14-21

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. *See* MPEP 707.07(d). For example, claim 14 recites that “identifying a resource to be reassigned from a first processing mode to a second processing mode”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “identifying a resource to be reassigned from a first processing mode to a second processing mode”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of independent claim 14, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 14 is respectfully requested. Also a withdrawal of each rejection of claims 15-21, each ultimately dependent upon independent claim 14, is respectfully requested.

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Claim 15 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “the removing step includes removing the resource from an non-real time processing mode and the assigning step reassigns a card associated with the resource for operation in a real-time operating mode adapted to achieve real-time processing”. Dr. Williams’ Declaration provides evidence, in paragraphs 33-36, that Hipp does not teach a “real-time operating mode”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 15 recites that “the removing step includes removing the resource from an non-real time processing mode and the assigning step reassigns a card associated with the resource for operation in a real-time operating mode adapted to achieve real-time processing”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “the removing step includes removing the resource from an non-real time processing mode and the assigning step reassigns a card associated with the resource for operation in a real-time operating mode adapted to achieve real-time processing”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 15, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 15 is respectfully requested.

N. Claim 16

Claim 16 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “updating a registry associated with the second operating environment to reflect a reassignment of the resource.” The present Office Action erroneously purports to find this claimed subject matter at “p. 6, ¶ 0056.” See Page 5.

Yet the applied portion of Hipp fails to recite a “registry” or any equivalent concept thereto. Applicant respectfully asks for an explanation regarding how the applied portions of

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Hipp can teach “**updating a registry**” when a “**registry**” is not even recited in the applied portion of Hipp. Applicant respectfully submits that this claimed subject matter is not taught by Hipp.

Thus, Hipp does do not teach every limitation of claim 16, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 16 is respectfully requested.

O. Claim 17

Claim 17 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “wherein in the assigning step includes associating the assigned resource with a software component instance”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 17 recites that “wherein in the assigning step includes associating the assigned resource with a software component instance”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “wherein in the assigning step includes associating the assigned resource with a software component instance”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 17, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 17 is respectfully requested.

P. Claim 18

Claim 18 recites, *inter alia*, yet the present Office Action fails to even allege that any applied portion of Hipp teaches, “modifying installation parameters to specify the installation file”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 18 states, “modifying installation

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parameters to specify the installation file". The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of "modifying installation parameters to specify the installation file", and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, the present Office Action fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 18 is respectfully requested.

Q. Claim 19

Claim 19 recites, *inter alia*, yet the applied portions of Hipp fail to teach, "displaying available resources for reassignment from the first processing mode to the second processing mode and selecting one of the displayed available resources for reassignment".

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 19 recites that "displaying available resources for reassignment from the first processing mode to the second processing mode and selecting one of the displayed available resources for reassignment". The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of "displaying available resources for reassignment from the first processing mode to the second processing mode and selecting one of the displayed available resources for reassignment", and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does not teach every limitation of claim 19, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 19 is respectfully requested.

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Claim 20 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “building a list of available drivers for the selected resource”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 20 recites that “building a list of available drivers for the selected resource”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “building a list of available drivers for the selected resource”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 20, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 20 is respectfully requested.

S. Claims 22-31

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 22 recites that “a means for creating an installation file in the first operating environment for installation of the interface in the second operating environment”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “a means for creating an installation file in the first operating environment for installation of the interface in the second operating environment”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of independent claim 22, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal

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of the rejection of claim 22 is respectfully requested. Also a withdrawal of each rejection of claims 23-31, each ultimately dependent upon independent claim 22, is respectfully requested.

T. Claim 23

Claim 23 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “a means for reassigning the resource to a real-time operating environment”. Dr. Williams’ Declaration provides evidence, in paragraphs 29-32, that Hipp does not teach a “real time operating environment”. Dr. Williams’ Declaration provides evidence, in paragraphs 37-42, that Hipp does not teach a “real-time device driver”.

Moreover, the Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 23 recites that “a means for reassigning the resource to a real-time operating environment”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “a means for reassigning the resource to a real-time operating environment”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does not teach every limitation of claim 23, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 23 is respectfully requested.

U. Claim 24

Claim 24 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “a means for installing a real-time device driver”. Dr. Williams’ Declaration provides evidence, in paragraphs 37-42, that Hipp does not teach a “real-time device driver”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 24 recites that “a means for installing a real-time device driver”. The omnibus rejection of claim group by the references

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relied upon in the Office Action makes no mention of “a means for installing a real-time device driver”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 24, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 24 is respectfully requested.

V. Claim 25

Claim 25 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “wherein the means for installing a real-time device driver overrides an installation of a device driver associated with the first operating environment”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 25 recites that “wherein the means for installing a real-time device driver overrides an installation of a device driver associated with the first operating environment”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “wherein the means for installing a real-time device driver overrides an installation of a device driver associated with the first operating environment”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 25, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 25 is respectfully requested.

PATENT**Application # 10/667,060****Attorney Docket # 2002P15893US01 (1009-175)****W. Claim 26**

Claim 26 recites, *inter alia*, yet the present Office Action fails to even allege that any applied portion of Hipp teaches, “wherein installation parameters are obtained from the first operating environment and used in the creation of the installation file”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 26 recites that “wherein installation parameters are obtained from the first operating environment and used in the creation of the installation file”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “wherein installation parameters are obtained from the first operating environment and used in the creation of the installation file”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, the present Office Action fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 26 is respectfully requested.

X. Claim 27

Claim 27 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “a means for deleting the installation file”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 27 recites that “a means for deleting the installation file”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “a means for deleting the installation file”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the

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failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 27, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 27 is respectfully requested.

Y. Claim 28

Claim 28 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “a means for uninstalling the resource from a current device driver associated with the first operating environment”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 28 recites that “a means for uninstalling the resource from a current device driver associated with the first operating environment”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “a means for uninstalling the resource from a current device driver associated with the first operating environment”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 28, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 28 is respectfully requested.

Z. Claim 29

Claim 29 recites, *inter alia*, yet the applied portions of Hipp fail to teach, “a means for enabling interrupt sharing for the resource so that more than one resource shares an interrupt”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 29 recites that “a means for

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enabling interrupt sharing for the resource so that more than one resource shares an interrupt". The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of "a means for enabling interrupt sharing for the resource so that more than one resource shares an interrupt", and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 29, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 29 is respectfully requested.

AA. Claim 30

Claim 30 recites, *inter alia*, yet the applied portions of Hipp fail to teach, "a means for updating a registry associated with the second operating environment to reflect a reassignment of the resource".

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 30 recites that "a means for updating a registry associated with the second operating environment to reflect a reassignment of the resource". The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of "a means for updating a registry associated with the second operating environment to reflect a reassignment of the resource", and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, Hipp does do not teach every limitation of claim 30, and consequently fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 30 is respectfully requested.

PATENT**Application # 10/667,060****Attorney Docket # 2002P15893US01 (1009-175)****BB. Claim 31**

Claim 31 recites, *inter alia*, yet the present Office Action fails to even allege that any applied portion of Hipp teaches, “wherein the resource includes one of a port, an interface, a device, and a card”.

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 30 recites that “wherein the resource includes one of a port, an interface, a device, and a card”. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of “wherein the resource includes one of a port, an interface, a device, and a card”, and fails to point out where, in any of the references, that limitation is disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, the present Office Action fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 31 is respectfully requested.

CC. Claim 32

Claim 32 recites, *inter alia*, yet the present Office Action fails to even allege that any applied portion of Hipp teaches:

- a. “a first software component to select an interface in a first operating environment”;
- b. “a second software component to select a virtual slot in a second operating environment for installation of the interface”;
- c. “a third software component to create an installation file in the first operating environment for installation of the interface in the second operating environment”; and

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- d. "a fourth software component to install the interface in the second operating environment using the installation file to reassign a resource between the first operating environment and the second operating environment."

The Office Action appears to improperly group claims together in a common rejection without any showing that the rejection is equally applicable to all claims in the group. That is never appropriate. See MPEP 707.07(d). For example, claim 32 recites claimed elements noted, *supra*. The omnibus rejection of claim group by the references relied upon in the Office Action makes no mention of any of the claimed elements recited, *supra*, and fails to point out where, in any of the references, any of these limitations are disclosed. In view of the failure of the Office Action to satisfy the requirements of MPEP 707.07(d), the next Office Action should not be final.

Thus, the present Office Action fails to establish a *prima facie* case of anticipation. Accordingly, reconsideration and withdrawal of the rejection of claim 32 is respectfully requested.

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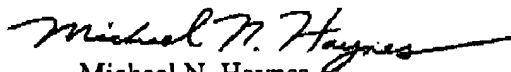
CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



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Date: 7 August 2006

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